

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

ISAIAH CARTER,  
TDOC #479412,

Plaintiff,

v.

PATRICIA JAMES, et al.,

Defendants.

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CASE NO. 1:12-00038  
Chief Judge Haynes

**ORDER**

Before the Court is Defendant Jason Woodall's motion to dismiss (Docket Entry No. 54) that is unopposed. Defendant Woodall contends, in sum that he is named in his official capacity and thus, the real party is the State of Tennessee that is not a "person" suable under 42 U.S.C. § 1983 and renders him immune from monetary damages under the Eleventh Amendment. Woodall also cites Plaintiff's failure to allege sufficient facts of his personal involvement in the alleged violation of his constitutional rights.

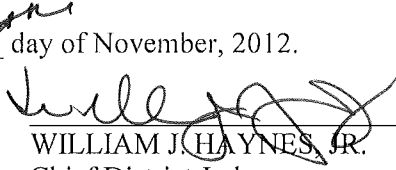
According to Plaintiff's complaint, Woodall concurred in the warden's response to Plaintiff's grievance of racially disparate treatment. Plaintiff also seeks injunctive relief.

In the Sixth Circuit, a supervisor's concurrence in a resolution of a prisoner's grievance is insufficient to impose Section 1983 liability. Shehee v. Luttrell, 199 F.3d 295, 300 (6th Cir. 1999).

Accordingly, the Defendant Jason Woodall's motion to dismiss (Docket Entry No. 54) is **GRANTED** and Plaintiff's claims against Defendant Jason Woodall are **DISMISSED with prejudice**.

It is so **ORDERED**.

ENTERED this the 28 day of November, 2012.

  
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WILLIAM J. HAYNES, JR.  
Chief District Judge